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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

LUZ ZENDEJAS,

Plaintiff,

vs.

CAMERON SUZANNE D/B/A EVOLVE
HAIR AND NAIL SPA; LYONS
VENTURE LLC; and DOES 1 to 10,
Defendants.

Case No.:

COMPLAINT FOR INJUNCTIVE
RELIEF AND DAMAGES FOR DENIAL
OF CIVIL RIGHTS OF A DISABLED
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES
ACT, 42 U.S.C. §12131 et seq.;

2. CALIFORNIA'S UNRUH CIVIL
RIGHTS ACT;

3. CALIFORNIA'S DISABLED
PERSONS ACT;

4. CALIFORNIA HEALTH & SAFETY
CODE;

5. NEGLIGENCE

Plaintiff LUZ ZENDEJAS ("Plaintiff") complains of Defendants CAMERON
SUZANNE D/B/A EVOLVE HAIR AND NAIL SPA; LYONS VENTURE LLC; and
DOES 1 to 10 ("Defendants") and alleges as follows:

PARTIES

1. Plaintiff is a California resident with a physical disability. Plaintiff is
diagnosed with multiple sclerosis which resulted in nerve damage and is substantially

1 limited in her ability to walk. Plaintiff requires the use of a wheelchair at all times when
2 traveling in public.

3 2. Defendants are, or were at the time of the incident, the real property owners,
4 business operators, lessors and/or lessees of the real property for a hair stylist
5 (“Business”) located at or about 23030 Lyons Ave., Unit 108, Newhall, California.

6 3. The true names and capacities, whether individual, corporate, associate or
7 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,
8 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of
9 Court to amend this Complaint when the true names and capacities have been
10 ascertained. Plaintiff is informed and believes, and, based thereon, alleges that each such
11 fictitiously named Defendants are responsible in some manner, and therefore, liable to
12 Plaintiff for the acts herein alleged.

13 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant
14 times, each of the Defendants was the agent, employee, or alter-ego of each of the other
15 Defendants, and/or was acting in concert with each of the other Defendants, and in doing
16 the things alleged herein was acting with the knowledge and consent of the other
17 Defendants and within the course and scope of such agency or employment relationship.

18 5. Whenever and wherever reference is made in this Complaint to any act or
19 failure to act by a defendant or Defendants, such allegations and references shall also be
20 deemed to mean the acts and failures to act of each Defendant acting individually, jointly
21 and severally.

22 **JURISDICTION AND VENUE**

23 6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and
24 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et*
25 *seq.*).

26 7. Pursuant to pendant jurisdiction, attendant and related causes of action,
27 arising from the same nucleus of operating facts, are also brought under California law,
28

1 including, but not limited to, violations of California Civil Code §§51, 51.5, 52(a), 52.1,
2 54, 54., 54.3 and 55.

3 8. Plaintiff's claims are authorized by 28 USC §§ 2201 and 2202.

4 9. Venue is proper in this court pursuant to 28 USC §1391(b). The real
5 property which is the subject of this action is located in this district, Los Angeles County,
6 California, and that all actions complained of herein take place in this district.

7 **FACTUAL ALLEGATIONS**

8 10. In or about May of 2024, Plaintiff went to the Business.

9 11. The Business is a hair stylist business establishment, open to the public, and
10 is a place of public accommodation that affects commerce through its operation.
11 Defendants provide parking spaces for customers.

12 12. While attempting to enter the Business during each visit, Plaintiff personally
13 encountered a number of barriers that interfered with her ability to use and enjoy the
14 goods, services, privileges, and accommodations offered at the Business.

15 13. To the extent of Plaintiff's personal knowledge, the barriers at the Business
16 included, but were not limited to, the following:

- 17 a. Defendants failed to comply with the federal and state standards for
18 the parking space designated for persons with disabilities. Defendants
19 failed to post required signage such as "Van Accessible," "Minimum
20 Fine \$250" and "Unauthorized Parking."
21 b. Defendants failed to comply with the federal and state standards for
22 the parking space designated for persons with disabilities. Defendants
23 failed to provide proper van accessible space designated for the
24 persons with disabilities as there were no "NO PARKING" markings
25 painted on the surface of the access aisle. Additionally, the access
26 aisle did not meet the minimum required 96-inch width.
27 c. Defendants failed to comply with the federal and state standards for
28 the parking space designated for persons with disabilities. The height

1 of the posted required signages was lower than the height allowed by
2 the standards.

3 d. Defendants failed to maintain accessibility for persons with
4 disabilities to comply with the federal and state standards. Defendants
5 failed to provide at least one accessible entrance as required as the
6 entrance had stairs instead of a proper ramp.

7 14. These barriers and conditions denied Plaintiff the full and equal access to the
8 Business and caused Plaintiff difficulty and frustration. Plaintiff wishes to return and
9 patronize the Business; however, Plaintiff is deterred from visiting the Business because
10 her knowledge of these violations prevents her from returning until the barriers are
11 removed.

12 15. Based on the violations, Plaintiff alleges, on information and belief, that
13 there are additional barriers to accessibility at the Business after further site inspection.
14 Plaintiff seeks to have all barriers related to her disability remedied. *See Doran v. 7-*
15 *Eleven, Inc.* 524 F.3d 1034 (9th Cir. 2008).

16 16. In addition, Plaintiff alleges, on information and belief, that Defendants
17 knew that particular barriers render the Business inaccessible, violate state and federal
18 law, and interfere with access for the physically disabled.

19 17. At all relevant times, Defendants had and still have control and dominion
20 over the conditions at this location and had and still have the financial resources to
21 remove these barriers without much difficulty or expenses to make the Business
22 accessible to the physically disabled in compliance with ADDAG and Title 24
23 regulations. Defendants have not removed such barriers and have not modified the
24 Business to conform to accessibility regulations.

25 **FIRST CAUSE OF ACTION**

26 **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

27 18. Plaintiff incorporates by reference each of the allegations in all prior
28 paragraphs in this complaint.

1 19. Under the Americans with Disabilities Act of 1990 (“ADA”), no individual
2 shall be discriminated against on the basis of disability in the full and equal enjoyment of
3 the goods, services, facilities, privileges, advantages, or accommodations of any place of
4 public accommodation by any person who owns, leases, or leases to, or operates a place
5 of public accommodation. *See* 42 U.S.C. § 12182(a).

6 20. Discrimination, *inter alia*, includes:

- 7 a. A failure to make reasonable modification in policies, practices, or
8 procedures, when such modifications are necessary to afford such
9 goods, services, facilities, privileges, advantages, or accommodations
10 to individuals with disabilities, unless the entity can demonstrate that
11 making such modifications would fundamentally alter the nature of
12 such goods, services, facilities, privileges, advantages, or
13 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).
- 14 b. A failure to take such steps as may be necessary to ensure that no
15 individual with a disability is excluded, denied services, segregated or
16 otherwise treated differently than other individuals because of the
17 absence of auxiliary aids and services, unless the entity can
18 demonstrate that taking such steps would fundamentally alter the
19 nature of the good, service, facility, privilege, advantage, or
20 accommodation being offered or would result in an undue burden. 42
21 U.S.C. § 12182(b)(2)(A)(iii).
- 22 c. A failure to remove architectural barriers, and communication barriers
23 that are structural in nature, in existing facilities, and transportation
24 barriers in existing vehicles and rail passenger cars used by an
25 establishment for transporting individuals (not including barriers that
26 can only be removed through the retrofitting of vehicles or rail
27 passenger cars by the installation of a hydraulic or other lift), where
28 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).

1 d. A failure to make alterations in such a manner that, to the maximum
2 extent feasible, the altered portions of the facility are readily
3 accessible to and usable by individuals with disabilities, including
4 individuals who use wheelchairs or to ensure that, to the maximum
5 extent feasible, the path of travel to the altered area and the
6 bathrooms, telephones, and drinking fountains serving the altered
7 area, are readily accessible to and usable by individuals with
8 disabilities where such alterations to the path or travel or the
9 bathrooms, telephones, and drinking fountains serving the altered area
10 are not disproportionate to the overall alterations in terms of cost and
11 scope. 42 U.S.C. § 12183(a)(2).

12 21. Where parking spaces are provided, accessible parking spaces shall be
13 provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every
14 eight accessible spaces, but not less than one, shall be served by an access aisle 96 in
15 (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA
16 Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall
17 be a van accessible parking space. 2010 ADA Standards § 208.2.4.

18 22. Under the ADA, the method and color of marking are to be addressed by
19 State or local laws or regulations. See 36 C.F.R., Part 1191. Under the California
20 Building Code (“CBC”), the parking space identification signs shall include the
21 International Symbol of Accessibility. Parking identification signs shall be reflectorized
22 with a minimum area of 70 square inches. Additional language or an additional sign
23 below the International Symbol of Accessibility shall state “Minimum Fine \$250.” A
24 parking space identification sign shall be permanently posted immediately adjacent and
25 visible from each parking space, shall be located with its centerline a maximum of 12
26 inches from the centerline of the parking space and may be posted on a wall at the
27 interior end of the parking space. See CBC § 11B-502.6, et seq.
28

1 23. Moreover, an additional sign shall be posted either in a conspicuous place at
2 each entrance to an off-street parking facility or immediately adjacent to on-site
3 accessible parking and visible from each parking space. The additional sign shall not be
4 less than 17 inches wide by 22 inches high. The additional sign shall clearly state in
5 letters with a minimum height of 1 inch the following: "Unauthorized vehicles parked in
6 designated accessible spaces not displaying distinguishing placards or special license
7 plates issued for persons with disabilities will be towed always at the owner's expense..."
8 See CBC § 11B-502.8, et seq.

9 24. Here, Defendants failed to provide the signs stating, "Minimum Fine \$250"
10 and "Van Accessible." Moreover, Defendants failed to provide the additional sign with
11 the specific language stating "Unauthorized vehicles parked in designated accessible
12 spaces not displaying distinguishing placards or special license plates issued for persons
13 with disabilities will be towed always at the owner's expense..."

14 25. For the parking spaces, access aisles shall be marked with a blue painted
15 borderline around their perimeter. The area within the blue borderlines shall be marked
16 with hatched lines a maximum of 36 inches (914 mm) on center in a color contrasting
17 with that of the aisle surface, preferably blue or white. The words "NO PARKING" shall
18 be painted on the surface within each access aisle in white letters a minimum of 12 inches
19 (305 mm) in height and located to be visible from the adjacent vehicular way. CBC §
20 11B-502.3.3.

21 26. Here, Defendants failed to provide a proper access aisle as there were no
22 "NO PARKING" markings painted on the parking surface. Moreover, Defendants failed
23 to provide the access aisle with the minimum width of 96 inches.

24 27. Signs shall be 60 inches (1525 mm) minimum above the finish floor or
25 ground surface measured to the bottom of the sign. 2010 ADA Standards § 502.6.

26 28. Here, Defendants failed to post signage at the required minimum height of
27 60 inches above the finish floor or ground surface measured to the bottom of the sign.
28

1 29. At least one accessible route shall connect accessible building, facilities,
2 elements, and spaces that are on the same site. 1991 ADA Standards § 4.3.2. A public
3 accommodation shall maintain in operable working condition those features of facilities
4 and equipment that are required to be readily accessible to and usable by persons with
5 disabilities by the Act or this part. 28 C.F.R. 35.211(a).

6 30. Here, Defendants failed to provide at least one accessible entrance to the
7 Business as the entrance had stairs instead of a proper ramp.

8 31. A public accommodation shall maintain in operable working condition those
9 features of facilities and equipment that are required to be readily accessible to and usable
10 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

11 32. By failing to maintain the facility to be readily accessible and usable by
12 Plaintiff, Defendants are in violation of Plaintiff's rights under the ADA and its related
13 regulations.

14 33. The Business has denied and continues to deny full and equal access to
15 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be
16 discriminated against due to the lack of accessible facilities, and therefore, seeks
17 injunctive relief to alter facilities to make such facilities readily accessible to and usable
18 by individuals with disabilities.

19 **SECOND CAUSE OF ACTION**

20 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

21 34. Plaintiff incorporates by reference each of the allegations in all prior
22 paragraphs in this complaint.

23 35. California Civil Code § 51 states, "All persons within the jurisdiction of this
24 state are free and equal, and no matter what their sex, race, color, religion, ancestry,
25 national origin, disability, medical condition, genetic information, marital status, sexual
26 orientation, citizenship, primary language, or immigration status are entitled to the full
27 and equal accommodations, advantages, facilities, privileges, or services in all business
28 establishments of every kind whatsoever."

1 36. California Civil Code § 52 states, “Whoever denies, aids or incites a denial,
2 or make any discrimination or distinction contrary to Section 51, 515, or 51.6, is liable
3 for each and every offense for the actual damages, and any amount that may be
4 determined by a jury, or a court sitting without a jury, up to a maximum of three times the
5 amount of actual damage but in no case less than four thousand dollars (\$4,000) and any
6 attorney’s fees that may be determined by the court in addition thereto, suffered by any
7 person denied the rights provided in Section 51, 51.5, or 51.6.

8 37. California Civil Code § 51(f) specifies, “a violation of the right of any
9 individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336)
10 shall also constitute a violation of this section.”

11 38. The actions and omissions of Defendants alleged herein constitute a denial
12 of full and equal accommodation, advantages, facilities, privileges, or services by
13 physically disabled persons within the meaning of California Civil Code §§ 51 and 52.
14 Defendants have discriminated against Plaintiff in violation of California Civil Code §§
15 51 and 52.

16 39. The violations of the Unruh Civil Rights Act caused Plaintiff to experience
17 difficulty, discomfort, or embarrassment. The Defendants are also liable for statutory
18 damages as specified in California Civil Code §55.56(a)-(c).

19 **THIRD CAUSE OF ACTION**

20 **VIOLATION OF CALIFORNIA DISABLED PERSONS ACT**

21 40. Plaintiff incorporates by reference each of the allegations in all prior
22 paragraphs in this complaint.

23 41. California Civil Code § 54.1(a) states, “Individuals with disabilities shall be
24 entitled to full and equal access, as other members of the general public, to
25 accommodations, advantages, facilities, medical facilities, including hospitals, clinics,
26 and physicians’ offices, and privileges of all common carriers, airplanes, motor vehicles,
27 railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes
28 of transportation (whether private, public, franchised, licensed, contracted, or otherwise

provided), telephone facilities, adoption agencies, private schools, hotels, loading places, places of public accommodations, amusement, or resort, and other places in which the general public is invited, subject only to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.

42. California Civil Code § 54.3(a) states, “Any person or persons, firm or corporation who denies or interferes with admittance to or enjoyment of public facilities as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for the actual damages, and any amount as may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damages but in no case less than one thousand dollars (\$1,000) and any attorney’s fees that may be determined by the court in addition thereto, suffered by any person denied the rights provided in Section 54, 54.1, and 54.2.

43. California Civil Code § 54(d) specifies, “a violation of the right of an individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also constitute a violation of this section, and nothing in this section shall be construed to limit the access of any person in violation of that act.

44. The actions and omissions of Defendants alleged herein constitute a denial of full and equal accommodation, advantages, and facilities by physically disabled persons within the meaning of California Civil Code § 54. Defendants have discriminated against Plaintiff in violation of California Civil Code § 54.

45. The violations of the California Disabled Persons Act caused Plaintiff to experience difficulty, discomfort, and embarrassment. The Defendants are also liable for statutory damages as specified in California Civil Code §55.56(a)-(c).

FOURTH CAUSE OF ACTION

CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.

46. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

1 47. Plaintiff and other similar physically disabled persons who require the use of
2 a wheelchair are unable to use public facilities on a “full and equal” basis unless each
3 such facility is in compliance with the provisions of California Health & Safety Code §
4 19955 et seq. Plaintiff is a member of the public whose rights are protected by the
5 provisions of California Health & Safety Code § 19955 et seq.

6 48. The purpose of California Health & Safety Code § 1995 et seq. is to ensure
7 that public accommodations or facilities constructed in this state with private funds
8 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of
9 Title 1 of the Government Code. The code relating to such public accommodations also
10 require that “when sanitary facilities are made available for the public, clients, or
11 employees in these stations, centers, or buildings, they shall be made available for
12 persons with disabilities.

13 49. Title II of the ADA holds as a “general rule” that no individual shall be
14 discriminated against on the basis of disability in the full and equal enjoyment of goods
15 (or use), services, facilities, privileges, and accommodations offered by any person who
16 owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a).
17 Further, each and every violation of the ADA also constitutes a separate and distinct
18 violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an
19 award of damages and injunctive relief pursuant to California law, including but not
20 limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

21 **FIFTH CAUSE OF ACTION**

22 **NEGLIGENCE**

23 50. Plaintiff incorporates by reference each of the allegations in all prior
24 paragraphs in this complaint.

25 51. Defendants have a general duty and a duty under the ADA, Unruh Civil
26 Rights Act and California Disabled Persons Act to provide safe and accessible facilities
27 to the Plaintiff.
28

52. Defendants breached their duty of care by violating the provisions of ADA, Unruh Civil Rights Act and California Disabled Persons Act.

53. As a direct and proximate result of Defendants' negligent conduct, Plaintiff has suffered damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for relief and judgment against Defendants as follows:

1. For preliminary and permanent injunction directing Defendants to comply with the Americans with Disability Act and the Unruh Civil Rights Act;

2. Award of all appropriate damages, including but not limited to statutory damages, general damages and treble damages in amounts, according to proof;

3. Award of all reasonable restitution for Defendants' unfair competition practices;

4. Reasonable attorney's fees, litigation expenses, and costs of suit in this action;

5. Prejudgment interest pursuant to California Civil Code § 3291; and

6. Such other and further relief as the Court deems just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: August 29, 2024

SO. CAL. EQUAL ACCESS GROUP

By: /s/ Jason J. Kim
Jason J. Kim, Esq.
Attorneys for Plaintiff